

ORDINANCE NO. 05-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-173 OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO MAKE REDEVELOPMENT ALLOWANCES AVAILABLE TO PARCELS WHICH PROVIDE FOR STORMWATER MITIGATION OFF-SITE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to adopt a corrective ordinance to provide for application of Section 10-173, Leon County Code of Laws, "Redevelopment Allowances" to parcels which will use off-site mitigation to treat stormwater and which will fully assume the costs of off-site stormwater mitigation.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

**Section 1.** Section 10-173 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Redevelopment allowances," is hereby amended to read as follows:

**Sec. 10-173. Redevelopment allowances.** When redevelopment is occurring, it is the intent of this section to allow for the following modifications to this article:

(1) *Allowances.* The following allowances apply to parcels within the urban services area with impervious area greater than or equal to 25 percent of the parcel existing on or before January 1, 2004, if there is no reduction to special development zone requirements and the requirements of section 10-346:

- 1 (a) Only 1/2 of the landscaping area requirements of section's  
2 10-257, 10-260(1)a., 260(2) shall be applied except the  
3 minimum landscape island area shall remain 400 sf.
- 4 (b) Section 10-266(e)(4)a. (40 percent canopy coverage of  
5 parking areas) shall not apply.
- 6 (c) Trees preserved shall receive double the credit listed in  
7 section 10-264.
- 8 (d) A parcel may utilize section 10-259 if no impacts are  
9 proposed to preservation areas.
- 10 (e) If no increase in impervious area is proposed, section 10-  
11 208(15)a. is presumed to be met.
- 12 (f) If full water quality treatment is provided as required by  
13 this article, then the parcel may utilize 50 percent of the  
14 existing impervious in the rate control and downstream  
15 analysis calculations required in section 10-208.

- 16 (2) *Exceptions.* Redevelopment Allowances as enumerated in Section  
17 10-173(1)(a)-(f) may also be made available to parcels that meet  
18 the following criteria: (1) parcel is within the urban services area;  
19 (2) parcel was originally developed before July 15, 1990; (3) the  
20 redevelopment of such parcel will not result in an increase in  
21 impervious area; (4) stormwater may be treated off-site if such  
22 treatment will result in pollutant and nutrient reduction equivalent  
23 to that which would otherwise be accomplished by on-site

1 stormwater treatment and attenuation; (5) all treatment shall meet  
2 applicable standards required by Rule 62-25, Florida  
3 Administrative Code, or successor rules; and (6) the cost of such  
4 treatment shall be fully assumed by the applicant requesting  
5 redevelopment allowances. Should a parcel meet the above  
6 conditions, the applicant shall be responsible for all off-site  
7 treatment expenses; however, the applicant may pay a fee to the  
8 County in lieu of applicant's effectuating construction of an off-  
9 site treatment facility. The amount of such fee shall be determined  
10 at the sole discretion of the County.

11 (3) *Variances*. Where a redevelopment site can not meet the requirements  
12 of specific stormwater management, landscape, and tree protection  
13 requirements of divisions 2, 3, and 4, a variance may be sought by  
14 submitting an application to Leon County Growth and  
15 Environmental Management Department in accordance with the  
16 requirements in section 10-378.

17 **Section 2. Conflicts.**

18 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are  
19 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the  
20 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail  
21 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said  
22 Comprehensive Plan.  
23

**Section 3. Severability.**

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Effective Date.**

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida this \_\_\_\_ day of \_\_\_\_, 20\_\_.

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Bill Proctor, Chairman  
Board of County Commissioners

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Bob Inzer, Clerk of Court  
Leon County, Florida

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney